



**Transcript for the 29 September 2010 Web chat
IV Affidavit of Support & Domicile**

Introduction

Has a family member petitioned for you to immigrate to the U.S.?

Unsure as to what documents to present for the affidavit of support?
Unclear as to how your family member shows evidence of domicile in the U.S.?

The Consular Section of the U.S. Embassy hosted a web chat dedicated to questions regarding the Affidavit of Support (I-864 and I-134) and domicile on Wednesday, September 29 at 2:00 pm BST.

Web chat Transcript

U.S. Consular Officer: (14:05) Hello, we are ready to begin our web chat!

Q via email: If a joint sponsor has been filing tax returns jointly with a spouse, but have since been in divorce proceedings and have not been living in the same household anymore, does the estranged spouse still count as a household member (for household size) for the I-864? The most recent tax returns were filed jointly.

A. W-2 forms should be submitted from the sponsor indicating yearly salary if joint taxes filed.

Q via email: If the US citizen petitioner intends to live with a parent upon re-establishing US domicile, and this parent is also being used as a joint sponsor, does the parent need to fill out an I-864 or an I-864A, if the petitioner is not living with them yet at the time of the interview?

A. The petitioner is not considered a member of household with parent; therefore the parent should complete the I-864 form including proof of status and latest income tax filings (i.e. 2009 or later).



Q :Roy: (14:09) My wife (US citizen, sponsoring me as her spouse) currently works in the UK and makes enough to meet the financial guidelines. Given that when we move to the US she will give up her work in the UK, can her current UK job income be used in the affidavit or not? She will still be working in the UK at the time of my embassy interview and adjudication of the I-864.

A: No, your spouse's UK-based income cannot be used for the I-864 as that income will no longer be available in the US. If your spouse does not have enough assets (based on household size) as outlined in the U.S. Poverty guidelines, you will need a joint sponsor. Please visit www.uscis.gov for additional information. The form is I-864P.

Q: Roy: (14:11) The instructions for the I-864 say that my income can be counted if I am immigrating as a US citizen's spouse and "the intending immigrant can show that his or her income will continue from the same source after acquisition of permanent residence". I work for the UK subsidiary of a US company who are allowing me to transfer my job from the UK to the US. Does that mean that my work income would qualify for the affidavit under this clause?

A: Yes, but you must fill out the I-864A Form as a Household member.

Q: Bachman: (14:13) My grandma is sponsoring me jointly but she only makes 16000 in her wages from work and her retirement benefits and other benefits sum up to 22000 and she also owns a house worth 60000. I want to know if this is sufficient to be a co-sponsor

A: U.S. Consular Officer: (14:13) You must first take into account family size (i.e. dependents of your grandmother or you). Based on that information, please refer to I-864P to determine if she would be eligible to sponsor you based on U.S. poverty guidelines.

Q: Roy: (14:17) Thank you for those answers! One final question: My wife is worried about what she needs to do to confirm/re-establish domicile in the US: she has maintained a US bank account (although does not use it much) and has taken out and is repaying an American FAPSA Student Loan for study she undertook here in the UK. Are these enough to meet the domicile maintenance requirement?

A: U.S. Consular Officer: (14:17) Although there is no time frame for the resident to establish residence, a Consular Officer must be satisfied that the sponsor has, in fact, taken up principal residence in the United States. Evidence that the sponsor has established a domicile in the United States and is either physically residing there or intends to do so before or concurrently with the applicant may include the following:
(1) Opening a bank account;



- (2)Transferring funds to the United States;
- (3)Making investments in the United States;
- (4)Seeking employment in the United States;
- (5)Registering children in U.S. schools;
- (6)Applying for a Social Security number; and
- (7)Voting in local, State, or Federal elections.

Q via email: (14:19) I understand that, if a joint sponsor has been filing tax returns jointly with a spouse, but the spouse's income is not being used towards the I-864, then there is no need for an I-864A to be filled out by the joint sponsor's spouse. Is that correct?

A. If the spouse is not earning the income listed on income tax filings, the joint sponsor should submit his/her W2 forms for 2009 or later.

Q via email: Is there a website to check the status of Visa applications?

A. No, however you can ring the Operator to inquire about your case status. Callers from within the United Kingdom should dial 09042-450-100. Calls to this line are charged at £1.20/min from BT landlines; some mobile and network providers may charge more. In addition, callers from outside the U.K. and some mobile and network providers cannot access this number.

Q via email: If the petitioner's income is foreign-earned and is not going to continue over in the US, is it advisable that we put \$0 for the income parts on I-864, or that we convert current foreign-earned income into its dollar equivalent?

A. Applicants can fill in income with current UK-earned income, however, the applicant should disclose to Consular Officer that their income is UK-based. It is also important to mention if being transferred to the US with the same company.

Q: Ginny, London: (14:27) Thank you for your answer (14:19). The joint sponsor's spouse is earning their own income, but we are only using the joint sponsor's income for the I-864, which is more than sufficient for the household size. In that case, the joint sponsor's W2s, recent paychecks etc. which show sufficient income are sufficient to prove ability to sponsor. Am I correct?

A: U.S. Consular Officer: (14:27) Yes, in addition to providing most recent filed tax returns and proof of status in the U.S. (i.e. US passport bio page or naturalization certificate).



Q: George: (14:28) How many original copies of the Affidavit of Support do my wife and I need and how many signed photocopies for the whole process?

A: (14:28) Only one original I-864 is required. No photo copies are necessary.

Q: GuestName: (14:30) Furthermore, if it would be possible for my parents (non-US citizens) to provide a affidavit of support with regards to finances to demonstrate that I would not become a financial liability upon the country.

A: U.S. Consular Officer: (14:30) All sponsors must be US Citizens or Legal Permanent Residents.

Q: bachman: (14:31) I want to know if retirement benefits will count as wages towards sponsorship on I-134 affidavit.

A: U.S. Consular Officer: (14:31) Yes, it does as it is considered declarable income and tax is deducted.

Q: George: (14:32) Do you have to have your photographs endorsed on the back by a professional person?

A: U.S. Consular Officer: (14:32) No.

Q: George: (14:37) In the information on documents for the interview, it says that I have to submit documents to establish the relationship between sponsor and applicant. Is this only our birth certificates?

A: U.S. Consular Officer: (14:37) It depends on the visa category. For example, if your sponsor is your spouse then a marriage certificate would prove your relationship. If the sponsor is your parent or sibling (biological or legally adopted) then a birth certificate would prove your relationship.

Q: George: (14:39) When I submit the original documents etc. to the NVC with my DS-230, do I also have to take another set of original documents to the interview at the Embassy?

A: U.S. Consular Officer: (14:39) No, the originals are forwarded to the Embassy with your file.



Q via email: (14:41): My American fiancée has petitioned for me to obtain a K1 visa to the USA and she has received the I-797 NOA after filing the petition. However we have just noticed that there is an expiry date on the I-797. If the date of my interview at the US embassy is after this expiry date will there be a problem with my visa application?

A. No, the petitioner should submit an affidavit of support (I-134) and notarized statement of intent to marry within 90 days upon anticipated entry in the US.

Q via email: (14:46) : HI am gathering all necessary documents to file an I-130 on my wife's behalf (we have been married over 28 years, living in UK last 12 1/2 years). I am a US citizen now living in Texas; she is a British citizen currently living in England. She previously had a green card, but it expired and she no longer has it. In May, I returned to Texas on very short notice to take up my old job and my wife is really stressed and depressed with having to finish the sale of our house in the UK on her own, along with all the other aspects of preparing to relocate overseas and now it's worse because of the enforced separation we now face. First, how long does the process take once I file the I-130 and is there any supporting documentation I/we can provide that may help expedite the process?

A. Please refer to response above related to domicile.

Q: bachman: (14:47) does my fiancé need to fill and sign another i-134 since she has done it before with the package we submitted to the USCIS that has long been approved

A. U.S. Consular Officer: (14:47) Yes, a new I-134 should be submitted in order to capture the most recent income details.

Q: George: (14:48) Under an F4 Visa it says that I have to send copies of my Petitioner's marriage certificates, it does not mention a divorce certificate. Would I need this?

A. U.S. Consular Officer: (14:48) If such a document is available, it should be submitted.

Q via email (14:52) : In the notes on 'Accompanying Family Members', does the accompanying spouse require copies of the I-864 and I-864a for the NVC process or for the Interview process?

A. One original is required. Copies should be submitted for all other dependents



Q: bachman: (14:54) I read that there is a new income guideline that has come out why is the embassy using the same old one since the poverty level has decreased in the us and worldwide

A. U.S. Consular Officer: (14:54) Please refer to USCIS or Department of Labor's websites for the most recent poverty guidelines,

Q: Ginny, London: (14:55) May I ask about the use of assets on the I-864. I know that, for a marriage-based visa, the assets need to be 3 times the difference between the 125% of the poverty line and the income. Do assets (in our case, money in bank accounts) that are UK-based still fall under the x3 category, or do they only need to be US-based to be considered with the x3 rule? Thank you!

A. U.S. Consular Officer: (14:55) Yes, such liquid assets can be used as assets for the Affidavit of Support

Q: bachman: (14:55) what document does my fiancée's granny need to submit to show that she gets retirement benefits from the government because I do not think it is shown on her tax return document

A. U.S. Consular Officer: (14:55) All income should be listed on tax return filings.

U.S. Consular Officer: (14:58) Thank you for your participation. Please visit our website for information on future web chats. Have a great day!

The webchat ended at 15:00 BST